

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: WARREN COUNTY SEWER

**DATE:** AUGUST 15, 2007

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS CHAMPAGNE  
BELDEN  
GABRIELS  
MASON

**OTHERS PRESENT:**

WILLIAM LAMY, DPW SUPERINTENDENT  
PAUL DUSEK, COUNTY ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &  
FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISOR F. THOMAS  
AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

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**COMMITTEE MEMBER ABSENT:**

SUPERVISOR STEC

Mr. Champagne called the meeting of the Warren County Sewer Committee to order at 10:30 a.m.

Motion was made by Mr. Belden, seconded by Mr. Gabriels and carried unanimously to approve the minutes from the February 27, 2007 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, DPW Superintendent, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

As there was no old business to discuss, Mr. Lamy apprised that he would begin with a review of the New Business portion of the agenda. He said that the first item listed referred to a request for an extension of the contract held with Over & Under Piping Contractors, Inc. to commence on July 1, 2007 and terminate on October 15, 2007. Mr. Lamy explained that the extension was necessary to facilitate the installation of a cover over one of the trickling filters in place in the Village of Lake George. He added that upon conferring with the Village's engineer he had been advised that the trickling filter had to be taken out of service to install the cover and the Village preferred that the work be done after Labor Day weekend, which was subsequent to the expiration of the current contract. Mr. Lamy advised that the extension would allow sufficient time for the work to be done after the holiday weekend, as requested by the Village of Lake George, and would incur no additional costs to the County.

Motion was made by Mr. Belden, seconded by Mr. Gabriels and carried unanimously to approve the request to extend the contract held with Over & Under Piping Contractors, Inc. for a term commencing July 1, 2007 and terminating October 15, 2007, as outlined above, and the necessary resolution was authorized for the August 17<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Moving to the second New Business item, Mr. Lamy advised that the agenda included a request for authorization to approve payment of Change Order No. 1 to William J. Keller & Sons Construction Corp. in the amount of \$21,121.59 for work completed in connection with the Town of Bolton

Sewer Project. He reminded the Committee that they had previously authorized him to approve up to five Change Orders, not exceeding \$10,000 each, before presenting them to the Committee for review and final approval. Mr. Lamy explained that this particular Change Order was to install a permanent by-pass pumping method at the Town of Bolton's sewer pump station to enable upgrade work, as well as for future use. He added that the permanent station would ensure that if the main pump station should ever fail or require maintenance, it could be shut down and there would be a means in place to convey the entire wastewater flow from the pump station to the Wastewater Treatment Plant.

Motion was made by Mr. Gabriels, seconded by Mr. Mason and carried unanimously to approve the request to authorize payment of Change Order No. 1 to William J. Keller & Sons Construction Corp. in the amount of \$21,121.59 for work completed in connection with the Town of Bolton Sewer Project, and the necessary resolution was authorized for the August 17<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that New Business item number three reflected a request to approve payment of Change Order No. 2 to Harold R. Clune, Inc. in the amount of \$20,249.10, also for work completed in connection with the Town of Bolton Sewer Project. He noted that the Change Order consisted of the installation of additional alarms at the main pump station, north pump station and equalization tank at the Wastewater Treatment Plant. Mr. Lamy said that the changes made would ensure that notification of problems was received in a timely manner, reducing the potential of wastewater spills.

Mr. Gabriels noted that the installation of the addition of alarms had been mandated by NYSDEC (New York State Department of Environmental Conservation).

Mr. Belden asked where the funds for this Change Order would be allocated from and Mr. Lamy replied that the funding was available in the Town of Bolton Sewer Project, which the Committee had previously approved.

Motion was made by Mr. Mason, seconded by Mr. Belden and carried unanimously to approve the request to authorize payment of Change Order No. 2 to Harold R. Clune, Inc. in the amount of \$20,249.10 for work completed in connection with the Town of Bolton Sewer Project and the necessary resolution was authorized for the August 17<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Proceeding with the agenda review, Mr. Lamy advised that item number four referred to Change Order No. 2 for Harold R. Clune, Inc., which he had already signed his approval of. He noted that the Change Order was being presented for the Committee's review and approval as per the request of the County Auditor, in order to maintain a complete paper trail for auditing purposes.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to give the

Committee's approval of Change Order No. 2 for Harold R. Clune, Inc.

Mr. Lamy apprised that the next agenda item consisted of Change Order Nos. 2 through 10 for William J. Keller & Sons Construction Corp. He noted that all of the Change Orders had already been completed and reviewed and he had signed his approval of them, as they were less than the amount the Committee had previously authorized him to approve. Mr. Lamy stated that as with the prior agenda item, these requests were being presented for Committee approval as per the request of the County Auditor.

Motion was made by Mr. Belden, seconded by Mr. Gabriels and carried unanimously to give the Committee's approval of Change Order Nos. 2 through 10 for William J. Keller & Sons Construction Corp.

Paul Dusek, County Attorney, entered the meeting at 10:42 a.m.

The final agenda item, Mr. Lamy stated, referred to a request to authorize the County Attorney to commence with an Eminent Domain Proceeding to obtain an easement for a sewer line on the property identified as Tax Map Parcel No. 26.14-1-16 in the Town of Hague Sewer District No. 2. He explained that because neither Town nor County representatives had been successful in obtaining the easement, he had consulted the Project Engineer to see if an alternate route was available to place the sewer line. Mr. Lamy advised that from these discussions it had been determined that an alternate route would not be possible without incurring great expense to the County, which would not be eligible for grant funding. He noted that the home located on the property in question would also need to be served by the sewer line, once installed.

Referring to a map included in the agenda, (*and on file with the minutes*), Mr. Lamy detailed the route of the proposed sewer line. He noted that the orange shaded portion of the map represented the sewer line that would need to be installed in order to facilitate the more than 100 sewer connections beyond the parcel owned by the resistant party. Mr. Lamy added that the blue shaded portion of the map was a flagged wetland area which they were trying to avoid. He said that the APA (Adirondack Park Agency), as well as NYSDEC, had already granted their approval of the proposed sewer line.

Mr. Lamy apprised that the suggestion had been made to place the sewer line on the west side of the property, using a directional boring method which would have minimal affects on the parcel. However, he stated, the only option agreeable to the property owner was not feasible because it would include the clear cutting of mature trees along a substantial portion of property and would cause great difficulty in servicing the properties requiring connection prior to the proposed sewer line. Mr. Lamy noted that the property owner had not been receptive to any other options given, regardless of the fact that the directional boring suggested would cause minimal disturbance to the property.

Discussion ensued with respect to the matter.

Mr. Champagne asked how long construction bidding for the project would be delayed by the property owner's resistance and Mr. Dusek replied that, conceivably, a petition could be served to bring the matter to Court and jurisdiction over the parcel could be granted within sixty (60) days, with the fiscal matters, such as the costs of easement acquisition, occurring later. However, Mr. Dusek advised, it was possible that the process could be delayed for a substantially longer period of time if the property owner fought the easement acquisition.

Mr. Lamy apprised that he had spoken with Mr. Dusek prior to the meeting regarding the issue and they had decided that it was best to present the matter to the Committee for authorization as quickly as possible so that another month would not go by without action, further delaying the process. He noted that NYSDEC had already approved the project and the EPA (Environmental Protection Agency) had issued their "Findings of No Significant Impact" approval for the project. Mr. Lamy said that the EPA would be reviewing final plans and specifications and would authorize the County to begin the bidding process for the project if they knew that the County was pursuing acquisition of the necessary easement. However, he added, the EPA would not authorize construction to begin until all necessary parcels were in the County's control.

Mr. Lamy noted that although they intended to directionally bore the path needed for the sewer line to disturb the property as little as possible, he had been cautioned by the Project Engineer that if a disturbance were encountered, impeding the process, they would have to open cut the hole from the top to place the necessary line, which was approximately 150 ft. across the parcel in question.

Mr. Champagne asked if an offer had been made to the property owner for the easement and Mr. Lamy replied in the negative. He explained that the property owner had been resistant to any scenario conveyed with respect to the sewer line and had not even wanted to speak about a financial settlement.

Mr. Gabriels asked if they could directionally bore under the north side of the parcel, as the property owner had been agreeable to that scenario, and Mr. Lamy replied in the negative. Mr. Lamy added that if the sewer line were moved to the north side of the property each of the surrounding properties would be required to install a service lateral to reach the sewer line.

Mr. Belden suggested that a letter be sent from the County Attorney's Office stating that the property owner had one final chance to reach an agreement for the easement prior to the County beginning an Eminent Domain Proceeding.

Mr. Gabriels asked how they would determine the value of the easement and Mr. Dusek stated that an appraisal would have to be obtained, taking into account the loss of use of the portion of the property housing the sewer line as no future excavation could be done in that area.

Discussion ensued.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to authorize Mr. Dusek to prepare and forward a letter to the owner of Tax Map Parcel No. 23.14-1-16 in the Town

of Hague Sewer District No. 2 warning of the County's intent to commence an Eminent Domain Proceeding to obtain the necessary easement if the property owner did not come to agreeable terms for such easement and to authorize the County Attorney to begin Eminent Domain Proceedings if such terms were not met. The necessary resolution was authorized for the August 17<sup>th</sup> Board meeting and a copy of the request is on file with the minutes.

Mr. Lamy noted that action was necessary to authorize a new contract with an appraiser, to be determined by the County Attorney, to provide appraisal services for the easement.

Motion was made by Mr. Gabriels, seconded by Mr. Mason and carried unanimously to approve the request for a new contract, with a contractor to be determined by the County Attorney, to perform an appraisal for an easement on Tax Map Parcel 23.14-1-16 in the Town of Hague Sewer District No. 2, with funding to be allocated from the Town of Hague Sewer Project, and the necessary resolution was authorized for the August 17<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

As there was no further business to come before the Committee, on motion made by Mr. Mason and seconded by Mr. Belden, Mr. Champagne adjourned the meeting at 10:59 a.m.

Respectfully submitted,  
Amanda Allen, Legislative Office Specialist